

103^D CONGRESS
2^D SESSION

S. 2034

To improve the quality of public elementary and secondary school libraries, media centers, and facilities in order to help meet the National Education Goals.

IN THE SENATE OF THE UNITED STATES

APRIL 20 (legislative day, APRIL 11), 1994

Ms. MOSELEY-BRAUN introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To improve the quality of public elementary and secondary school libraries, media centers, and facilities in order to help meet the National Education Goals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Education Infrastruc-
5 ture Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) improving the quality of public elementary
9 and secondary school libraries, media centers, and

1 facilities will help our Nation meet the National
2 Education Goals;

3 (2) Federal, State, and local funding for the re-
4 pair, renovation, alteration and construction of pub-
5 lic elementary and secondary school libraries, media
6 centers, and facilities has not adequately reflected
7 need; and

8 (3) the challenges facing our Nation's public el-
9 ementary and secondary schools require the con-
10 certed and collaborative efforts of all levels of gov-
11 ernment and all sectors of the community.

12 **SEC. 3. PURPOSE.**

13 It is the purpose of this Act to help our Nation meet
14 the National Education Goals through the repair, renova-
15 tion, alteration and construction of public elementary and
16 secondary school libraries, media centers, and facilities,
17 used for academic or vocational instruction.

18 **SEC. 4. DEFINITIONS.**

19 For purposes of this Act—

20 (1) the term “alteration” refers to any change
21 to an existing property for use for a different pur-
22 pose or function;

23 (2) the term “construction” refers to the erec-
24 tion of a building, structure, or facility, including the
25 concurrent installation of equipment, site prepara-

1 tion, associated roads, parking, and utilities, which
2 provides area or cubage not previously available, in-
3 cluding—

4 (A) freestanding structures, additional
5 wings, or floors, enclosed courtyards or
6 entryways, and any other means to provide usa-
7 ble program space that did not previously exist;
8 and

9 (B) the complete replacement of an exist-
10 ing facility;

11 (3) the term “eligible local educational agency”
12 means a local educational agency, as such term is
13 defined in section 1471 of the Elementary and Sec-
14 ondary Education Act of 1965, which demonstrates
15 in the application submitted under section 7 that
16 such agency—

17 (A) has urgent repair, renovation, alter-
18 ation and construction needs for its public ele-
19 mentary or secondary school libraries, media
20 centers, and facilities, used for academic or vo-
21 cational instruction; and

22 (B) serves large numbers or percentages of
23 disadvantaged students;

1 (4) the term “renovation” refers to any change
2 to an existing property to allow its more efficient use
3 within such property’s designated purpose;

4 (5) the term “repair” refers to the restoration
5 of a failed or failing real property facility, compo-
6 nent, or a building system to such a condition that
7 such facility, component, or system may be used ef-
8 fectively for its designated purpose, if, due to the na-
9 ture or extent of the deterioration or damage to such
10 facility, component, or system, such deterioration or
11 damage cannot be corrected through normal mainte-
12 nance; and

13 (6) the term “Secretary”, unless otherwise
14 specified, means the Secretary of Education.

15 **SEC. 5. IMPROVEMENT OF PUBLIC ELEMENTARY AND SEC-**
16 **ONDARY EDUCATION FACILITIES PROGRAM**
17 **AUTHORIZED.**

18 (a) PROGRAM AUTHORITY.—From amounts appro-
19 priated pursuant to the authority of subsection (b) in any
20 fiscal year, the Secretary shall award grants to eligible
21 local educational agencies having applications approved
22 under section 6 to carry out the authorized activities de-
23 scribed in section 7.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There
25 are to be appropriated \$600,000,000 for fiscal year 1995,

1 and such sums as may be necessary for each of the fiscal
2 years 1996 through 2004, to carry out this Act.

3 **SEC. 6. APPLICATIONS.**

4 Each eligible local educational agency desiring to re-
5 ceive a grant under this Act shall submit an application
6 to the Secretary. Each such application shall—

7 (1) contain an assurance that such application
8 was developed in consultation with parents and
9 classroom teachers; and

10 (2) include—

11 (A) a description of each architectural,
12 civil, structural, mechanical, electrical, or tele-
13 phone line, deficiency to be corrected with funds
14 provided under this Act, including the priority
15 for the repair of the deficiency;

16 (B) a description of the corrective action to
17 be supported with funds provided under this
18 Act;

19 (C) a cost estimate of the proposed correc-
20 tive action;

21 (D) an identification of the total amount
22 and percentage of such agency's budget used in
23 the preceding fiscal year for the maintenance,
24 repair, renovation, alteration, and construction

1 of public elementary and secondary school li-
2 braries, media centers, and facilities;

3 (E) a description of how such agency plans
4 to maintain the repair, renovation, alteration,
5 or construction supported with funds provided
6 under this Act;

7 (F) a description of the extent to which the
8 repair, renovation, alteration, or construction
9 will help the Secretary meet the goals described
10 in section 9(1)(A); and

11 (G) such other information as the Sec-
12 retary may reasonably require.

13 **SEC. 7. AUTHORIZED ACTIVITIES.**

14 Each eligible local educational agency receiving a
15 grant under this Act shall use such grant funds to help
16 our Nation meet the National Education Goals through
17 the repair, renovation, alteration, and construction of a
18 public elementary or secondary school library, media cen-
19 ter, or facility, used for academic or vocational instruction,
20 including—

21 (1) inspection of such library, center, or facility;

22 (2) repairing such library, center, or facility
23 that poses a health or safety risk to students;

1 (3) upgrading of and alteration to such library,
2 center, or facility in order to accommodate new in-
3 structional technology;

4 (4) meeting the requirements of section 504 of
5 the Rehabilitation Act of 1973 and the Americans
6 with Disabilities Act of 1990;

7 (5) removal or containment of severely hazard-
8 ous material such as asbestos, lead, and radon using
9 a cost-effective method;

10 (6) installation or upgrading of school security
11 and communications systems;

12 (7) energy conservation;

13 (8) meeting Federal, State, or local codes relat-
14 ed to fire, air, light, noise, waste disposal, building
15 height, or other codes passed since the initial con-
16 struction of such library, center, or facility; and

17 (9) replacing an old such library, center, or fa-
18 cility that is most cost-effectively torn down rather
19 than renovated.

20 **SEC. 8. REQUIREMENTS.**

21 (a) SPECIAL RULES.—

22 (1) MAINTENANCE OF EFFORT.—An eligible
23 local educational agency may receive a grant under
24 this Act for any fiscal year only if the Secretary
25 finds that either the combined fiscal effort per stu-

1 dent or the aggregate expenditures of that agency
2 and the State with respect to the provision of free
3 public education by such local educational agency for
4 the preceding fiscal year was not less than 90 per-
5 cent of such combined fiscal effort or aggregate ex-
6 penditures for the fiscal year for which the deter-
7 mination is made.

8 (2) SUPPLEMENT NOT SUPPLANT.—An eligible
9 local educational agency shall use funds received
10 under this Act only to supplement the amount of
11 funds that would, in the absence of such Federal
12 funds, be made available from non-Federal sources
13 for the repair and construction of school facilities
14 used for educational purposes, and not to supplant
15 such funds.

16 (b) GENERAL LIMITATIONS.—

17 (1) REAL PROPERTY.—No part of any grant
18 funds under this Act shall be used for the acquisi-
19 tion of any interest in real property.

20 (2) MAINTENANCE.—Nothing in this Act shall
21 be construed to authorize the payment of mainte-
22 nance costs in connection with any projects con-
23 structed in whole or in part with Federal funds pro-
24 vided under this Act.

1 (3) ENVIRONMENTAL SAFEGUARDS.—All
2 projects carried out with Federal funds provided
3 under this Act shall comply with all relevant Fed-
4 eral, State, and local environmental laws and regula-
5 tions.

6 (4) APPLICABILITY OF LAWS REGARDING INDIV-
7 IDUALS WITH DISABILITIES.—Sections 504 and
8 505 of the Rehabilitation Act of 1973 and the Amer-
9 icans with Disabilities Act of 1990 shall apply to
10 projects carried out with Federal funds provided
11 under this Act.

12 **SEC. 9. CONTRACTS.**

13 If a project assisted under this Act will be carried
14 out pursuant to a contract, the following limitations shall
15 apply:

16 (1) MINORITY PARTICIPATION.—The Secretary
17 shall establish—

18 (A) goals for the participation of small
19 business concerns as contractors or subcontract-
20 tors that meet or exceed the governmentwide
21 goals established pursuant to section 15(g)(1)
22 of the Small Business Act (15 U.S.C.
23 644(g)(1)) for the participation of such con-
24 cerns in contracts supported with funds under

1 this Act (and subcontracts under such con-
2 tracts); and

3 (B) an evaluation process for such partici-
4 pation that gives significant weight to the goals
5 described in subparagraph (A).

6 (2) DAVIS-BACON.—All laborers and mechanics
7 employed by contractors or subcontractors in the
8 performance of any contract and subcontract for the
9 repair, renovation, alteration, or construction, in-
10 cluding painting and decorating, of any building or
11 work that is financed in whole or in part by a grant
12 under this Act, shall be paid wages not less than
13 those determined by the Secretary of Labor in ac-
14 cordance with the Act of March 3, 1931 (commonly
15 known as the Davis-Bacon Act); as amended (40
16 U.S.C. 276a–276a–5). The Secretary of Labor shall
17 have the authority and functions set forth in reorga-
18 nization plan of No. 14 of 1950 (15 FR 3176; 64
19 Stat. 1267) and section 2 of the Act of June 1,
20 1934 (commonly known as the Copeland Anti-Kick-
21 back Act) as amended (40 U.S.C. 276c, 48 Stat.
22 948).

23 **SEC. 10. TECHNICAL ASSISTANCE.**

24 The comprehensive regional centers established under
25 section 2203 of the Elementary and Secondary Education

1 Act of 1965 may provide assistance in the repair, renova-
2 tion, alteration, and construction of public elementary or
3 secondary school libraries, media centers, or facilities to
4 eligible local educational agencies receiving assistance
5 under this Act.

6 **SEC. 11. FEDERAL ASSESSMENT.**

7 The Secretary shall reserve not more than 1 percent
8 of funds appropriated pursuant to the authority of section
9 5(b)—

10 (1) to collect such data as the Secretary deter-
11 mines necessary at the school, local, and State levels;
12 and

13 (2) to conduct studies and evaluations, includ-
14 ing national studies and evaluations, in order to—

15 (A) monitor the progress of projects sup-
16 ported with funds provided under this Act; and

17 (B) evaluate the state of American public
18 elementary and secondary school libraries,
19 media centers, and facilities; and

20 (3) to report to the Congress by July 1, 1997,
21 regarding the findings of the studies and evaluations
22 described in paragraph (2).

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